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GOVERNMENT GAZETTE

BOLETIM OFICIAL

(Tradução)

GOVERNMENT OF GOA, DAMAN
AND DIU

Finance (Expenditure) Department

Directorate of Accounts

Circular

DA/Admn/1-42/3850

To

All Heads of Departments and Offices.

Subject: — Incentive to clerical staff to get trained in accounts work-Rules.

A reference is invited to the Notification No. DA/Admn/87 dated 2-8-1968 published in the Government Gazette No. 22 dated 29-8-1968 and to state that it has been decided to hold the second examination for Accounts Clerks on 16th May, 1970 in the Lyceum Hall at Panaji. The programme of examination is given below.

You are requested to send a list of eligible candidates so as to reach this office on or before 20th April, 1970 in the proforma indicated below:—

PROFORMA

1. Name:—
2. Office/Dept. in which currently working.
3. Date of appointment/promotion/re-designation as Accounts Clerk in the scale of Rs. 130-300.
4. Certificate from Head of Office/Department that the candidate/s concerned has/have rendered one year's continuous services or otherwise as accounts Clerk as on 1st May, 1970.
5. If repeater.
 - i) No. of chances availed of.
 - ii) The month, year, and index number at the examination in which appeared previously.
 - iii) Exemption obtained if any.

TIME TABLE

Paper I

- | | |
|--|-----------------------------|
| Part I — Precs and Draft including Grammar | } 9.30 a. m. to 12.30 p. m. |
| Part II — Office Procedure | |

Paper II

- | | |
|--------------------------|----------------------|
| Part I — Precheck | } 2 p. m. to 5 p. m. |
| Part II — Accounts | |
| Part III — Service Rules | |

Kindly acknowledge receipt of this communication.

N. R. Kulkarni, Director of Accounts.

Panaji, 20th March, 1970.

GOVERNO DE GOA, DAMÃO
E DIO

Departamento das Finanças (Despesa)

Direcção de Contabilidade

Circular

DA/Admn/1-42/3850

Para

Todos os Chefes dos Departamentos e Repartições.

Assunto: Incentivo aos funcionários para se treinarem no trabalho de contabilidade e respectivas normas.

Solicita-se referência ao despacho n.º DA/Admn/87, de 2 de Agosto de 1968, publicado no *Boletim Oficial* n.º 22, de 29 de Agosto de 1968 e informa-se que ficou resolvido que o segundo exame para «Accounts Clerks» deverá realizar-se em 16 de Maio de 1970, nas salas do Liceu, em Panaji. O programa do exame é como a seguir se indica.

Pede-se para enviar uma lista dos candidatos habilitados, por forma a ser recebida nesta Repartição, até 20 de Abril de 1970, segundo o modelo a seguir indicado.

MODELO

1. Nome.
2. Repartição/Dept. em que actualmente trabalha.
3. Data da nomeação/promoção/re-designação como «Accounts Clerk» na escala de Rps. 130-300.
4. Certificado do Chefe da Repartição/Departamento, de o candidato ter prestado um ano de serviço contínuo ou serviço como «Accounts Clerk» até 1 de Maio de 1970.
5. Se é repetente.
 - i) O número de vezes em que respondeu exames.
 - ii) O mês, ano e o número do índice do exame que respondeu previamente.
 - iii) Isenção obtida, caso haja.

HORARIO

Prova I

- | | |
|--|-----------------------|
| Parte I — «Precis and Draft including Grammar» | } 9-30 às 12-30 horas |
| Parte II — «Office Procedure» | |

Prova II

- | | |
|-----------------------------|------------------|
| Parte I — «Precheck» | } 14 às 17 horas |
| Parte II — «Accounts» | |
| Parte III — «Service Rules» | |

É favor acusar a recepção desta comunicação.

N. R. Kulkarni, Director de Contabilidade.

Panaji, 20 de Março de 1970.

Revenue Department

Notification

RD/LQN/175/66

Whereas by Government Notification No. RD/LQN/175/66 dated 21-8-69 published on page 259 of Series II, No. 21 of the Government Gazette, dated 21-8-69 it was notified under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the «said land») was likely to be needed for the public purpose viz. for locating Sailors Training Establishment.

And whereas this Government (hereinafter referred to as the «Government») is satisfied after considering the report made under sub-section (2) of section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of section 6 of the said Act that the said land is required for the public purpose specified above.

2. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, Panaji, till the award is made under Section 11.

Departamento de Rendimentos

Despacho

RD/LQN/175/66

Atendendo a que por despacho n.º RD/LQN/175/66, de 21 de Agosto de 1969, publicado à pgs. 259 do *Boletim Oficial* n.º 21, 2.ª série, de 21 de Agosto de 1969, fora tornado público, ao abrigo do artigo 4.º do «Land Acquisition Act, 1894» (referido daqui em diante como «citado Act») que o terreno descrito no quadro anexo ao mesmo despacho (referido daqui em diante como «aludido terreno» era necessário para os fins da localização do Instituto de treino para marinheiros.

Tendo em consideração que o Governo (referido daqui em diante como «Governo»), após apreciar o relatório submetido ao abrigo da alínea (2) do artigo 5A do citado Act, acha que o terreno descrito no quadro anexo, é necessário para os fins públicos acima referidos.

O Governo declara, ao abrigo do disposto no artigo 6.º do citado Act, que o aludido terreno é necessário para os fins públicos acima referidos.

2. O plano do aludido terreno poderá ser consultado na Repartição do referido «Land Acquisition Officer», em Panaji, até que seja tomada a decisão ao abrigo do artigo 11.º

SCHEDULE — QUADRO

Description of the said land — *Descrição do aludido terreno*

Taluka	Village	Plot No.	Survey No.	Name of the person believed to be interested	Approximate area in sq. mts.
Concelho	Aldeia	Terreno n.º	Cadastro N.º	Nome da pessoa que se presume ser interessada	Área aproximada em m²
Bardez	Nerul	2	241-B	Shri Joao Caetano Evaristo Pinto, Nerul Bardez.	4010.00
		3	241-A	Smt. Tofila Bona Pinto, Nerul Bardez.	25571.00
		4	185	Shri Somanath V. Pai Dhungat, Reis Magos.	3250.00
		Total			32831.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 1st April, 1970.

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

W. G. Ranadive, Secretário (Rendimentos).

Panaji, 1 de Abril de 1970.

Notification

RD/TNC/BND/280/67-70/XXXI

In pursuance of the proviso to sub-section (3) of section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bunds described in the schedule appended hereto as protective bunds for the purpose of the said proviso.

SCHEDULE

Name of the Bund	Village	Taluka	Description
1. Murondi Cantor	Curtorim	Salcete	The bund starting with the paddy field «Murondi Cantor» belonging to Comunidade of Curtorim, running marginal to the river Zuari and ending with the paddy field «Novo Cantor» belonging to the Comunidade of Curtorim at Curtorim.
2. Novo Cantor	Curtorim	Salcete	

Despacho

RD/TNC/BND/280/67-70/XXXI

De harmonia com a alínea (3) do artigo 26.º de «Goa, Daman and Diu Agricultural Tenancy Act, 1964» o Governo determina que os valados descritos no quadro anexo, sejam considerados como valados protectores para os fins da citada alínea.

QUADRO

Nome do valado	Aldeia	Concelho	Descrição
1. Murondi Cantor	Curtorim	Salcete	Valado que começando na várzea «Murondi Cantor» pertencente à comunidade de Curtorim, corre ao longo da margem do rio Zuari e termina na várzea «Novo Cantor» pertencente à comunidade de Curtorim, sito em Curtorim.
2. Novo Cantor	Curtorim	Salcete	

Name of the bund	Village	Taluka	Description
3. Poin	Velim	Salcete	The bund starting with the paddy field «Poin» belonging to the Comunidade of Velim and ending in the property of Shri Francisco Xavier Caeiro.
4. Khazan	Velim	Salcete	—do—

By order and in the name of the Administrator of Goa, Daman and Diu.

V. Sardesai, Under Secretary (Revenue).
Panaji, 3rd April, 1970.

Office of the Collector of Goa and D. C. A.

Corrigendum

COL/CAB/DEV/I/70/1

Read: Collector's Office Order No. COL/CAB/DEV/I/70/1, dated 27-2-1970 published in the Government Gazette No. 50, Series II, dated 12-3-70.

In Collector's Office Order of even number dated 27-2-70 instead of «Attorney Shri Ramexa Jaganata Sinai Hede» read as «Attorney Shri. Manguexa Visvambar Sinai Hede».

D. N. Barua, Collector and D. C. A.
Panaji, 2nd April, 1970.

Food and Civil Supplies Department

Order

FCS/PWD/668/69

Read: — Government order No. FCS/PWD/668/69, dated 9-9-1969.

The appointment of Shri Monohar V. S. Borcar, as officiating Superintending Engineer in Circle III of P.W.D. in the scale of Rs. 700-40-1100-50/2-1250 plus special pay of Rs. 100/- p.m., extended in Government order, referred to above, is extended to a further period upto 30-8-1970 or till the post is filled on a regular basis, whichever is earlier.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. H. Sakhalakar, Under Secretary (Planning).
Panaji, 1st April, 1970.

Notification

12-23-69 FCS(EDN)

1. Shri Honnadhike Rama Rao Achyutha Rao, a candidate recommended by the Union Public Service Commission, is hereby temporarily appointed as a Librarian in the College of Engineering, Goa, in the scale of Rs. 400-400-450-30-600-35-670-EB-35-950, with effect from 20th March, 1970, plus the usual allowances admissible from time to time until further orders.

2. His initial pay shall be fixed according to rules as per recommendation of the Union Public Service Commission vide their confidential letter No. F.1/754/69-RF dated 30th January, 1970.

Nome do valado	Aldeia	Concelho	Descrição
3. Poin	Velim	Salcete	Valado que começando na várzea «Poin», pertencente à comunidade de Velim, termina na propriedade do Sr. Francisco Xavier Caeiro.
4. Khazan	Velim	Salcete	Idem.

Por ordem e em nome do Administrador de Goa, Damão e Dio.

V. Sardesai, Subsecretário (Rendimentos).
Panaji, 3 de Abril de 1970.

Repartição do Collector de Goa e Direcção dos Serviços de Administração Civil

Corrigenda

COL/CAB/DEV/I/70/1

Ref.: Portaria da Repartição do Collector, n.º COL/CAB/DEV/I/70/1, de 27-2-1970, publicada no *Boletim Oficial* n.º 50, 2.ª série, de 12-3-70.

Na portaria acima referida, datada de 27-2-70, em vez de «Procurador Sr. Ramexa Jaganata Sinai Hede» leia-se «Procurador Sr. Manguexa Visvambar Sinai Hede».

D. N. Barua, Collector e D. A. C.
Panaji, 2 de Abril de 1970.

Departamento de Alimentação e Abastecimento Civil

Portaria

FCS/PWD/668/69

Ref.: — Portaria n.º FCS/PWD/668/69, de 9 de Setembro de 1969.

A nomeação do Sr. Monohar V. S. Borcar, como engenheiro superintendente, interino, do círculo III, dos Serviços das Obras Públicas, na escala de Rps. 700-40-1100-50/2-1250, mais a gratificação especial de Rps. 100/- por mês, prorrogada por portaria acima referida, é prorrogada por um período até 30 de Agosto de 1970, ou até que o lugar seja preenchido regularmente, se for antes.

Por ordem e em nome do Administrador de Goa, Damão e Dio.

V. H. Sakhalakar, Subsecretário (Planificação).
Panaji, 1 de Abril de 1970.

Despacho

12-23-69 FCS(EDN)

1. O Sr. Honnadhike Rama Rao Achyutha Rao, candidato recomendado pela Comissão de Serviço Público da União, é nomeado, temporariamente, bibliotecário da Faculdade de Engenharia, de Goa, na escala de Rps. 400-400-450-30-600-35-670-EB-35-950, a partir de 20 de Março de 1970, acrescida dos subsídios admissíveis periodicamente, até ordens ulteriores.

2. O seu vencimento inicial deverá ser fixado de conformidade com as normas, segundo a recomendação da Comissão de Serviço Público da União, feita por sua nota confidencial n.º F.1/754/69-RF, de 30 de Janeiro de 1970.

3. The appointment is subject to the conditions specified in this Office Memorandum of even number dated 17th March, 1970, and the rules and regulations laid down by the Government from time to time.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. N. Dhumak, Under Secretary (Planning).

Panaji, 3rd April, 1970.

Notification

12-28-70-FCS(EDN)

1. Shri Akhilesh Kumar Srivastava, a candidate recommended by the Union Public Service Commission is hereby temporarily appointed as a Professor in Electrical Engineering, in the College of Engineering, Goa, in the scale of Rs. 1100-50-1300-60-1600, with effect from 13th March 1970, plus the usual allowances admissible from time to time until further orders.

2. His initial pay shall be fixed at Rs. 1100/- (Rupees one thousand one hundred only) as per recommendation of Union Public Service Commission vide their confidential letter No. F.1/420/69-RF dated 23rd January 1970.

3. The appointment is subject to the conditions specified in this Office Memorandum of even number dated 12th February 1970 and the rules and regulations laid down by the Government from time to time.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. N. Dhumak, Under Secretary (Planning).

Panaji, 3rd April 1970.

Public Works Department

Principal Engineer's Office

Order

PWD/1477/25/70

Read: Report No. WDVI/C-24/135/69-70, dated 2-1-70, from the Executive Engineer, Works Division VI, PWD, Fatorda, Margao.

Government is pleased to transfer permanently the Cuncolim-Velim Road in a length of 3.5 Kms to the Public Works Department for the maintenance and repairs with immediate effect.

This order is issued with the concurrence of the Finance Department vide their No. F2/1470/70, dated 18-3-70.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Balcrisna R. Naique, Principal Engineer, P.W.D. and Ex-Officio Addl. Secretary to the Govt.

Panaji, 31st March, 1970.

Development Department 'A'

Notification

CDB/VPT/95/69

Whereas by Government Notification No. CDB/VPT/8/69 dated 6-3-1968 published on pages 445-446 of Series II, no. 52 of the Government Gazette, dated 27-3-69 it was notified under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as «the said Act») that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the «said land») was likely to be needed for the public purpose viz. for construction of a new Market.

3. A nomeação está sujeita às condições constantes do memorando de 17 de Março de 1970 e às normas e regulamentos que forem formulados pelo Governo periodicamente.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

S. N. Dhumak, Subsecretário (Planificação).

Panaji, 3 de Abril de 1970.

Despacho

12-28-70-FCS(EDN)

1. O Sr. Akhilesh Kumar Srivastava, candidato recomendado pela Comissão de Serviço Público da União, é nomeado, temporariamente, professor de engenharia eléctrica da Faculdade de Engenharia, de Goa, na escala de Rps. 1100-50-1300-60-1600, a partir de 13 de Março de 1970, acrescida dos subsídios admissíveis periodicamente, até ordens ulteriores.

2. O seu vencimento inicial deverá ser fixado em Rps. 1100/- (mil e cem rupias) segundo a recomendação da Comissão de Serviço Público da União, feita por sua nota confidencial n.º F.1/420/69-RF, de 23 de Janeiro de 1970.

A nomeação está sujeita às condições constantes do memorando datado de 12 de Fevereiro de 1970, e às normas e regulamentos que forem formulados pelo Governo periodicamente.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

S. N. Dhumak, Subsecretário (Planificação).

Panaji, 3 de Abril de 1970.

Serviços das Obras Públicas

Repartição do Engenheiro-Chefe

Portaria

PWD/1477/25/70

Ref.: Relatório n.º WDVI/C-24/135/69-70, de 2 de Janeiro de 1970, do engenheiro executivo da Secção de Obras VI, dos Serviços das Obras Públicas, de Fatorda, Margão.

O Governo determina a transferência permanente da estrada de Cuncolim-Velim, numa extensão de 3.5 kms, para os Serviços das Obras Públicas, para a sua conservação e reparações com efeito imediato.

A presente portaria é expedida com a aprovação do Departamento das Finanças, dada por sua nota n.º F2/1470/70, de 18 de Março de 1970.

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

Balcrisna R. Naique, Engenheiro-Chefe dos Serviços das Obras Públicas e Secretário adicional ex-officio do Governo.

Panaji, 31 de Março de 1970.

Departamento de Fomento 'A'

Despacho

CDB/VPT/95/69

Atendendo a que por despacho n.º CDB/VPT/8/69, de 6 de Março de 1970, publicado à pgs. 445-446 do Boletim Oficial, 2.ª série, n.º 52, datado de 27 de Março de 1969, fora tornado público, ao abrigo do artigo 4.º do «Land Acquisition Act, 1894» (referido daqui em diante como «citado Act») que o terreno descrito no quadro anexo (referido daqui em diante como «aludido terreno») era de utilidade pública para os fins da construção dum mercado novo.

And whereas the Lieutenant Governor, Goa, Daman and Diu is satisfied after considering the report made under sub-section (2) of section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Lt. Governor, Goa, Daman and Diu is pleased to declare under the provisions of section 6 of the said Act that the said land is required for the public purpose specified above.

A plan of the said land can be inspected at the office of the Land Acquisition Officer, Panaji, till the award is made under Section 1d.

Atendendo a que o Governador-tenente de Goa, Damão e Dio, após apreciar o relatório submetido ao abrigo da alínea (2) do artigo 5A do citado Act, acha que é necessário adquirir o terreno descrito no quadro anexo, para os fins públicos acima referidos.

O Governador-tenente de Goa, Damão e Dio declara, ao abrigo do disposto no artigo 6.º do citado Act que o aludido terreno é necessário para os fins públicos acima referidos.

O plano do aludido terreno poderá ser consultado na Repartição do «Land Acquisition Officer», em Panagi, até que seja tomada a decisão ao abrigo do artigo 1d.º

SCHEDULE — QUADRO

Description of the said land — Descrição do aludido terreno

Taluka	Village	Plot No.	Survey No.	Name of the person believed to be interested	Approximate area in sq. metres
Concelho	Aldeia	Terreno n.º	Cadastro n.º	Nome da pessoa que se presume ser interessada	Área aproximada em m²
Quepem	Curchorem	2	583	Suriaji Balcrisna Sinai Kakodcar	383
		3	581 (part)	Catolino Mendes	272
		4	582	Kashinat Pandurang Shet Parker	281
		5	584	Janardhan Roguvira Sinai Kakodcar	183
		8	574	Raya Dotu Sinai Lad	196
		9	573 (part)	Raya Dotu Sinai Lad	51
		10	587 (part)	Janardhan Roguvir Sinai Kakodkar	144
		11	586 (part)	Raya Dotu Sinai Lad	36
		Total			1546

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

T. Kipgen, Development Commissioner.

Panaji, 30th March, 1970.

Por ordem e em nome do Governador-tenente de Goa, Damão e Dio.

T. Kipgen, Comissário de Fomento.

Panagi, 30 de Março de 1970.

Labour and Information Department

Order

LC/1/ID(108)/69/IT-1/70/295

Industrial Disputes Act, 1947

Whereas the Government of Goa, Daman and Diu, is of the opinion that an Industrial dispute exists between the Management of M/s. Bandiwade Transport, Ponda, Goa, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Government of Goa, Daman and Diu is of the opinion that the dispute should be referred for adjudication to the Industrial Tribunal, Panaji;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu, is pleased to refer the said dispute for adjudication to the said Industrial Tribunal, Panaji.

SCHEDULE

«Whether the action of the Management of M/s. Bandiwade Transport, Ponda, Goa, in terminating the services of Shri Raghuvir Rama Parsenkar, driver, with effect from 16-10-1968 is legal and justified;

if not, to what relief the workman is entitled;

what other dues, if any are payable to the workman?»

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 3rd April, 1970.

Departamento de Trabalho e Informação

Portaria

LC/1/ID(108)/69/IT-1/70/295

«Industrial Disputes Act, 1947»

Atendendo a que o Governo de Goa, Damão e Dio, acha que existe uma disputa industrial entre a gerência da firma «Bandiwade Transport», Pondá, Goa, e os seus empregados, em relação aos assuntos mencionados no quadro anexo;

Tendo em consideração que o Governo de Goa, Damão e Dio, é do parecer que a mesma disputa deve ser submetida à decisão do Tribunal Industrial, em Panagi;

No uso das faculdades conferidas pela alínea (d) do § (1) do artigo 10.º do «Industrial Disputes Act, 1947 (14 of 1947)» o Governador-tenente de Goa, Damão e Dio, submete a mesma disputa à decisão do Tribunal Industrial, em Panagi.

QUADRO

«Se a acção da gerência da firma «Bandiwade Transport», de Pondá, Goa, em terminar os serviços do Sr. Raghuvir Rama Parsenkar, condutor, a partir de 16 de Outubro de 1968, é legal e justificável;

Caso contrário, qual é a compensação a que o mesmo empregado terá direito;

Quais são as outras importâncias em atraso, caso haja, pagáveis ao mesmo empregado?

Por ordem e em nome do Governador-tenente de Goa, Damão e Dio.

B. Ram, Secretário do Departamento de Indústrias e Trabalho.

Panagi, 3 de Abril de 1970.

Order

LC/1/ID(35)/69/IT-2/70/296

Industrial Disputes Act, 1947

The Lieutenant Governor of Goa, Daman and Diu, is of the opinion that an industrial dispute exists between the Management of M/s. Bandiwade Transport, Ponda, Goa, and their workmen in respect of the matters specified in the Schedule appearing hereunder:

He, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), is pleased to refer the said dispute to the Industrial Tribunal, Panaji for adjudication.

SCHEDULE

«Whether the action of the Management of M/s. Bandiwade Transport, Ponda, Goa, in dismissing Shri Narayan V. Kavlekar, driver, by its letter dated 20-2-1969 is justified?

If not, to what relief the said workman is entitled?»

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji 3rd April, 1970.

Order

LC/1-130/66/138

The following Award given by the Industrial Tribunal, on an Industrial Dispute between the Management of M/s. Empresa Transportes Agasaim Panjim Private Limited, Goa Velha, and the workmen employed by them, is hereby published as required vide provisions of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947):—

Before Shri V. A. Naik, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 3 of 1967

Between

M/s. Empresa Transportes Agasaim Panjim Pvt. Ltd.
Goa-Velim

And

The workmen employed under it.

In the matter of the legality and propriety of the order of dismissal passed against Shri Sebastiao Nunes and relief, if any, to which the workman is entitled.

Appearances:

Shri Narendra B. Shettye for the workman.
No appearance for the company.

AWARD

This is a reference made by the Government of Goa, Daman and Diu under Sec. 10(1)(d) of the Industrial Disputes Act, XIV of 1947, for adjudication of the following dispute between Messrs. Empresa Transportes Agasaim Panjim Private Limited, Goa-Velha and the workman employed under them:

«Whether the dismissal of Shri Sebastiao Nunes, Conductor, is legal and justified, if not, to what relief the workman is entitled?».

2. The workman has put in a statement of claim in support of his case. The Empresa Transportes Agasaim Panjim Pvt. Ltd., Goa Velha which would hereinafter be referred to as 'the company' is a limited company, which employs about 30 workmen for carrying on its business of a transport service. Shri Sebastiao Nunes who would hereinafter be referred to

Portaria

LC/1/ID(35)/69/IT-2/70/296

«Industrial Disputes Act, 1947»

O Governador-tenente de Goa, Damão e Diu, acha que existe uma disputa industrial entre a gerência da firma «Bandiwade Transport» Ponda, Goa, e os seus empregados, em relação aos assuntos mencionados no quadro anexo;

No uso das faculdades conferidas pela alínea (d) do § (1) do artigo 10.º do «Industrial Disputes Act 1947 (14 of 1947)» o Governador-tenente submete a mesma disputa à decisão do Tribunal Industrial, em Panaji.

QUADRO

«Se a acção da gerência da firma «Bandiwade Transport» de Ponda, Goa, em despedir o Sr. Narayan V. Kavlekar, condutor, por sua carta de 20 de Fevereiro de 1969, é justificável?

Caso contrário qual a compensação a que o mesmo empregado terá direito?

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

B. Ram, Secretário do Departamento de Indústrias e Trabalho.

Panaji 3 de Abril de 1970.

as 'the workman' was employed in the company as a bus conductor. According to the workman his past record of service was clean and free from any stigma. On or about 18th August 1966, the company gave him a charge sheet alleging that he had carried 5 passengers in excess and that he did not issue tickets to some passengers while on duty. The said charge sheet did not mention the date nor the time of the alleged offence. It is the case of the workman that on 27th August 1966 the company dismissed him from service without holding any inquiry. The order of dismissal was to take effect from 1st September 1966. The dismissal order says that as the workman did not file any explanation within 8 days the guilt has been brought home to him. The workman alleges that he did file his explanation on 30th August 1966 in reply to the charge sheet issued to him, but the company without taking the necessary steps of holding a departmental inquiry proceeded to dismiss him from service by its order dated 27th August 1966. The statement of claim then states that 'inasmuch as no inquiry was held into the charge sheet, the rules of natural justice have been violated and the workman is entitled to be reinstated. It is further pointed out that the company did not follow even the provisions of the standing orders. It is further alleged that the dismissal of the workman is mala fide illegal and bad in law and that it is vindictive and perverse.

3. The company has filled its written statement and raised the following contentions: The company denies that the past record of the workman was clean and free from stigma. On the other hand the company alleges that the workman had committed many breaches of trust and was found to be carrying excess passengers, issuing faked tickets and was therefore warned and also suspended on one occasion for carrying excess passengers. It was also found on one occasion that he had issued used tickets to passengers and he was warned for the offence. On 16-8-1966 he was found to have carried excess passengers and was given a charge sheet on 18-8-1966, and was required to give his explanation within 8 days. He did not submit any explanation and therefore an enquiry was held on 27th August 1966 by the Managing Director of the company and as the workman was found to have committed the offence mentioned in the charge sheet an order of dismissal was passed dismissing the workman from the service with effect from 1-9-1966. Alternatively the company has contended that they were not bound to hold an enquiry. At the same time they reiterate that the enquiry was held on the 27th and the workman was found to be guilty. They have denied that the rules of natural justice have not been followed or that the provisions of the standing orders have been violated. They have also denied that the dismissal is mala fide, illegal or bad in law. They have also denied that the order of dismissal is vindictive

or perverse. The company has produced a number of documents mainly relating to the workman's previous conduct and the warnings, etc. issued to him.

4. This case came up for hearing before my predecessor Shri K. R. Powar. On behalf of the company two persons namely (1) Francisco Gonsalo Correia and (2) Yeshwant Sitaram Dessai have put in their affidavits. Mr. Correia in his affidavit states that ticket conductor Sebastiao Nunes was carrying excess passengers on 16th August 1966 in bus No. GDT 1601 which was checked by him and also by the Motor Vehicles Inspector of the Government of Goa, Daman and Diu. He has further stated that the Motor Vehicles Department directed the company to pay a fine of Rs. 25 as they were guilty of an act in contravention of the provisions of the permit. He then asserts that a charge sheet was served on the workman and he was called upon to offer his explanation within 8 days but that the workman did not submit his explanation within the said time limit. He then refers to five other offences said to have been committed by the workman in the past and states that the present is the 6th offence committed by the workman. Shri Correia then asserts that the Managing Director held the enquiry on the morning of the 27th and then passed the order of termination of services. He asserts that the workman gave his explanation much later which has been produced before the Tribunal and which is marked Ex.C/1. Shri Yeshwant Sitaram Dessai in his affidavit states that he is the Managing Director of the company. He has stated that the opponent workman did not submit his explanation within 8 days from the service of the charge sheet. He asserts that he held the enquiry in the registered office of the company at Pilar in the presence of Shri Vincente Gracias, Manager and Mr. F. G. Correia and Shri Sebastiao Nunes the workman. He asserts that opportunity was given to the workman to put forward his case. He states that it was found from the evidence that Nunes had committed the offence. He then states that the opponent submitted his explanation very late in which he admitted the charge.

5. Shri Sebastiao Nunes, the workman, has also filed his affidavit. In his affidavit he has stated that his past record was clean and free from stigma. He has denied that he had carried five passengers in excess or that he had failed to issue tickets to some passengers while on duty. He has pointed out that neither the date nor the time of the offence has been specified mentioned in the charge sheet. He has denied that there was any enquiry held. He asserts that he filed his explanation on 30th August 1966 but even before that the company had issued the order of dismissal against him. He has denied that any enquiry was held at any time by the company.

6. At the time of the hearing nobody appeared on behalf of the Company. The workman was present in person and Shri Narendra Shettye appeared on behalf of the workman. The company has not put in its appearance in spite of the fact that notice of hearing was issued to them. There was therefore no other alternative for the Tribunal but to proceed ex parte in the matter. It is significant that though it has been asserted on behalf of the company that a formal inquiry was held into the charge sheet dated 18th August 1966 no enquiry papers have been produced before the Tribunal. The charge sheet Ex.C/3 states that the conductor was carrying 55 passengers in a bus which was permitted to take 50 passengers. It further states that he did not issue tickets to several passengers. He was therefore called upon to give his explanation within 8 days, failing which ex parte decision would be taken against him. It is an admitted fact that the workman put in his written statement but this he did on 30th August 1966 and not within the time stipulated in the charge sheet. It is claimed in the affidavit put in on behalf of the company that the workman has admitted his guilt in his explanation. On a perusal of the written explanation however I find that no such admission can be spelt out from what he has stated. All that he has stated in his explanation (Ex.C/1) is that the bus was found to contain 5 passengers in excess when it was stopped by the motor vehicles department. He however added that it was the duty of the Inspector to see that when the bus was stopped and the Inspector entered the bus no other passengers effected their entry inside the bus. He further stated that it is not possible for the conductor to issue tickets to all the passengers at a time.

He also pointed out that there are no bus stops in Goa and buses are stopped according to the wishes of the public after every two minutes. This makes it difficult for the conductors to see the passengers, who have entered the bus and who have not taken tickets. According to him therefore the question that he had deliberately not issued tickets to several passengers does not arise. It appears that the company waited for 8 days for the written explanation and when they did not receive it within the stipulated period they seem to have proceeded to pass the order terminating the services. This was done on the 27th August. The letter of termination is at Ex.C/4 and says «you have failed to give us an explanation within 8 days which we asked you to submit. This proves that you are guilty. You also failed to submit us the explanation of our previous letter for the same type of offences. Further we like to state that your services will be terminated with effect from 1st September 1966 which kindly note and oblige». It is significant to note that in this letter (Ex.C/4) no reference has been made to the fact that any inquiry was held on the 27th August as now claimed on behalf of the company. Had there been any truth in their statement that an enquiry ex parte or otherwise was held certainly the letter would not have failed to mention the same. It is equally significant that the charge sheet dated 18th August 1966 (Ex.C/3) does not say that an enquiry would be held into the matter. All that it says is that it was necessary for the workman to put in his written statement within 8 days from the receipt of the charge sheet. The last paragraph states «Therefore you are requested to give explanation within 8 days or ex parte decision will be taken against you». This clearly shows that no enquiry was ever contemplated and the company was determined to take an ex parte decision without an enquiry if the workman failed to put in his written explanation within the stipulated time. As explained above the written explanation (Ex.C/1) was submitted on 30th August 1966. There is nothing like an admission even by implication. All that the workman has admitted is that five passengers were in excess of the number permissible. On the other hand the explanation goes on to suggest that it was likely that some passengers entered the bus at the time when the inspector entered the bus. Whatever that may be it was clearly the duty of the company to hold an enquiry into the charges levelled against the workman. Since no enquiry has been held the principles of natural justice have been clearly violated. It is equally significant that the company has failed to appear before this Tribunal to substantiate their contentions namely that the enquiry was actually held on the 27th itself in the presence of the workman concerned. Had there been any truth in this they would not have failed to produce the papers of the enquiry. The case now sought to be made out that an enquiry was held is clearly an after-thought.

7. It is well settled that an order of dismissal issued without a proper enquiry and without giving an opportunity to the delinquent to put forward his case is unsustainable. There is considerable amount of case law on this subject. It is sufficient to refer to two decisions of the Supreme Court. In the case of the Punjab National Bank Ltd. and their workmen, 1959 I.L.L.J.p.666, their Lordships have observed:

«In cases where an industrial dispute is raised on the ground of dismissal and it is referred to the tribunal for adjudication, the tribunal naturally wants to know whether the impugned dismissal was proceeded by a proper enquiry or not. Where such a proper enquiry has been held in accordance with the provisions of the relevant standing orders and it does not appear that the employer was guilty of victimization or any unfair labour practice, the tribunal is generally reluctant to interfere with the impugned order. The limit of the tribunal's jurisdiction in dealing with such industrial disputes is laid down in 1958 I.L.L.J.200 and it has been held in that judgment that the powers of the tribunal to interfere with cases of dismissal are not unlimited because the tribunal does not act as a court of appeal and substitute its own judgment for that of the management. That judgment also indicates the classes of cases in which the tribunal would be justified in interfering with the impugned order of dismissal. It would and should interfere where there is want of good faith, where there is victimization or unfair labour practice, where the management has been guilty of a basic error or violation of the principles of natural justice or where on the materials the finding of the management

is completely baseless or perverse. The same view has again been expressed in 1959 I-L.L.J.p.285».

The other case is that of M.L. Bose & Co. Pvt. Ltd., Calcutta and its employees, 1961 I.L.L.J.p.107, wherein their Lordships have observed:

«It has been repeatedly held that when the dismissal of a workman is found to be illegal it is no answer to the workman's claim for reinstatement that in the meanwhile the employer has engaged another workman. However much the court may sympathise with the difficulties arising from such a position the workman is entitled to claim reinstatement which is a normal rule in the case of wrongful and illegal dismissal...».

8. I therefore direct the company to reinstate Shri Sebastiao Nunes with continuity of service and full back wages from

the date of his dismissal to the date of his reinstatement within 2 weeks from the date this award becomes enforceable.

Sd/-

V. A. NAIK

Industrial Tribunal

Bombay, 24th February, 1970.
(AF.)

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 31st March, 1970.

Notification

3/59/70-LAB/287

In exercise of the powers conferred by section 5 of the Factories Act, 1948 (63 of 1948) as extended to the Union territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu, after considering that there is a public emergency for the purpose of disposal of extra work in Government Printing Press, hereby exempts the said press from the operation of any of the provisions of sections 51, 52, 53, 54 and 56 of the said Act, for a period of three months with effect from 27th February, 1970.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

V. R. Vaze, Under Secretary, Industries and Labour Department.

Panaji, 2nd April, 1970.

Despacho

3/59/70-LAB/287

No uso das faculdades conferidas pelo artigo 5.º do «Factories Act 1948 (63 de 1948)» conforme foi tornado extensivo ao território da União de Goa, Damão e Diu, o Governador-tenente de Goa, Damão e Diu, depois de considerar e sendo do parecer que é do interesse público dispor do trabalho extraordinário da Imprensa Nacional, isenta a mesma Imprensa do cumprimento do disposto nos artigos 51.º, 52.º, 53.º, 54.º e 56.º do citado Act, por um período de três meses, a partir de 27 de Fevereiro de 1970.

Por ordem e em nome do Governador-tenente de Goa, Damão e Diu.

V. R. Vaze, Subsecretário do Departamento de Indústrias e Trabalho.

Panaji, 2 de Abril de 1970.